

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

Lori Peeples

Plaintiff

v.

CIVIL NO.: 3:19-cv-118

The Prudential Insurance
Company of America

Defendant

ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

- NOW COMES Lori Peeples, Plaintiff herein, complaining of The Prudential Insurance Company of America, Defendant, and for cause of action would show:
1. Plaintiff was a resident of Pearland, Brazoria County, Texas, which is in the Galveston Division of the Southern District of Texas, at the time the conduct described in this Complaint occurred.
 2. Defendant, The Prudential Insurance Company of America, (hereinafter referred to as "Prudential") is an insurance corporation duly and legally formed under the laws of New Jersey, which does business in the State of Texas, and may be served with citation herein by serving its registered agent, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201-3136.
 3. This court has original jurisdiction of this case under 29 U.S.C. § 1132(e). Plaintiff brings suit under the civil enforcement provisions of the Employee Retirement

Income Security Act of 1974 ("ERISA"), specifically including 29 U.S.C. § 1132 (a)(1)(B). Plaintiff is a participant in or beneficiary of an employee welfare benefit plan, which provides benefits under an insurance policy issued by Prudential. Plaintiff seeks to recover benefits due under the plan, to enforce her rights under the terms of the plan, to clarify her rights to future benefits under the terms of the plan, and to obtain other appropriate equitable relief.

4. Plaintiff further brings suit under 29 U.S.C. § 1133. After properly appealing the denial of benefits under the plan, Prudential failed to provide Plaintiff a full and fair review.
5. Plaintiff was employed by Oceaneering International, Inc. in 2016 when she became disabled. Plaintiff was found to be disabled under Social Security rules as of April 1, 2016. At that time, she was insured for Short Term Disability (STD) and Long Term Disability (LTD) benefits under a policy of insurance, identified as group contract number G-50130-TX issued by Prudential to Oceaneering International, Inc. and insuring Plaintiff. Plaintiff properly submitted a claim for disability benefits to Prudential, identified as claim number 12201935 which was initially approved, but thereafter denied. Plaintiff then properly appealed to the designated fiduciary of the plan but Plaintiff's appeals were denied.
6. Plaintiff has exhausted her administrative remedies. All conditions precedent to this cause of action have been met or have occurred.

7. The policy at issue in this case does not lawfully delegate discretionary authority to Prudential. Prudential's benefit determinations are therefore subject to *de novo* review.
8. Plaintiff is entitled to recover under the civil enforcement provisions of ERISA and seeks the benefits she has been denied, clarification of her right to receive future benefits under the policy, attorney's fees and expenses incurred herein and other appropriate equitable relief.

WHEREFORE, Plaintiff prays that Defendant be cited to appear herein and answer and that on final hearing, she have judgment against Defendant for her damages, plus pre-judgment and post-judgment legal interest, for costs of suit, for reasonable attorney's fees and expenses incurred and that Plaintiff have a clarification of her right to receive future benefits under the Plan, to which she may show herself justly entitled under the attending facts and circumstances.

Respectfully submitted,

By: /s/ *Lonnie Roach*
LONNIE ROACH
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